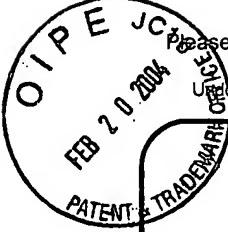


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Approved for use through 10/31/2002. OMB 0651-0031

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/737,225
		Filing Date	12/16/2003
		First Named Inventor	N.R. Gandhi
		Group Art Unit	
		Examiner Name	
Total Number of Pages in This Submission		Attorney Docket Number	5334-CIP-CON

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<b>Postcard</b>
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	<b>Statement regarding copies of cited referenced</b>
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Applicant believes that all appropriate fees are hereby paid, but authorization is hereby given to charge Deposit Account No. <u>18-0882</u> for any fee deficiency or credit any overpayment.	

*Antonia M. Holland*  
Antonia M. Holland

The PRO did not receive the following listed item(s). The fee transmittal form

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Antonia M. Holland	
Signature	<i>Antonia M. Holland</i>	
Date	February 17, 2004	

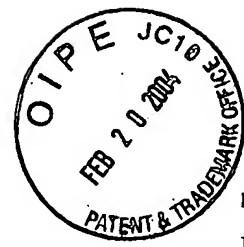
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MW/1063138



Attorney's Docket No. 5334-CIP-CON

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent application

In re application of: N.R. Gandhi

Group Art Unit:

Serial No.: 10/737,225

Filed: December 16, 2003

For: SOY MILK COMPOSITIONS AND METHODS OF PREPARATION

**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR BEFORE MAILING OF  
FIRST OFFICE ACTION (37 CFR 1.97(b))**

**NOTE:** "An information disclosure statement shall be considered by the Office if filed: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 CFR 1.97(b).

**NOTE:** The "filing date of a national application" under 37 CFR 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 CFR 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 CFR 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the International preliminary examination report, if such annexes were made in another language. 37 CFR 1.97(b)(2).

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**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8)**

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Date: February 17, 2004



Signature

Antonia M. Holland

(type or print name of person certifying)

## IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 CFR 1.97(b).

**NOTE:** "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing.

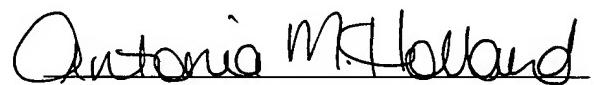
**NOTE:** "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 CFR 1.8, or Express Mail certificate under 37 CFR 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**NOTE:** "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**NOTE:** "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirement (37 CFR 1.142) or just a requirement for additional fees to have a claim considered (37 CFR 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 CFR 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

Dated: February 17, 2004  
Reg. No. 53,840  
Tel. No.: (414) 298-8285



SIGNATURE OF ATTORNEY

Antonia M. Holland

Reinhart Boerner Van Deuren, s.c.

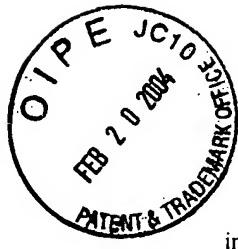
(P.O. Address)

1000 North Water Street, Suite 2100

Attn: Linda Gabriel, Docket Clerk

Milwaukee, WI 53202

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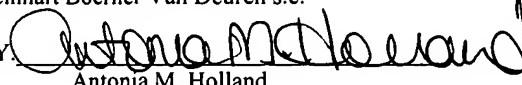


## PATENT

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Dated: February 17, 2004

Reinhart Boerner Van Deuren s.c.

BY   
Antonia M. Holland

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: N.R. Gandhi  
Serial No.: 10/737,225

) Group Art Unit:  
CON

Filed: December 16, 2003

)

For: SOY MILK

)

COMPOSITIONS AND

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METHODS OF

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PREPARATION

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Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

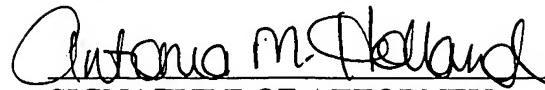
## INFORMATION DISCLOSURE STATEMENT

Sir:

On behalf of Applicants and pursuant to 37 C.F.R. § 1.97-.98 patents and publications that may be relevant are listed on PTO Form 1449 and are presented for consideration. Copies of the listed documents are not required to be provided because they were submitted to the Patent Office or cited by the Examiner in U.S. patent application 09/995,247 filed on November 27, 2001, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

Dated: February 17, 2004  
Reg. No. 53,840  
Tel. No.: (414) 298-8285

Respectfully submitted,



SIGNATURE OF ATTORNEY

Antonia M. Holland

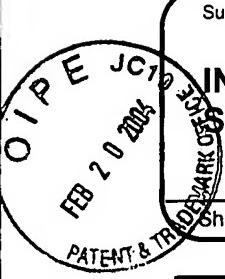
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

1

of

2

**Complete if Known**

Application Number	10/737,225
Filing Date	12/16/2003
First Named Inventor	N.R. Gandhi
Group Art Unit	
Examiner Name	

Attorney Docket Number

5334-CIP-CON

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
		US- 3642493	02-15-1972	Arndt	
		US- 3897570	07-29-1975	Yokotsuka et al.	
		US- 3941890	03-02-1976	Drachenberg et al.	
		US- 4041187	08-09-1977	Nelson et al.	
		US- 4119733	10-10-1978	Hsieh et al.	
		US- 4389425	06-21-1983	Burr	
		US- 4906482	03-06-1990	Zemel et al.	
		US- 4971825	11-20-1990	Kitazume et al.	
		US- 5725899	03-10-1998	Cole, et al.	
		US- 5955134	09-21-1999	Nishimura et al.	
		US- 6322846	11-27-2001	Gandhi et al.	
		US-			

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
		JP 40-207655 OA	03/1990			
		JP 51-019166	02/1976			
		CL 31740	02/1980			

Examiner Signature	Date Considered
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

*(use as many sheets as necessary)*

Sheet

2 of 2

<i><b>Complete if Known</b></i>	
Application Number	10/737,225
Filing Date	12/16/2003
First Named Inventor	N.R. Gandhi
Group Art Unit	
Examiner Name	
Attorney Docket Number	5334-CIP-CON

## **OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Signature		Date Considered	
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<sup>1</sup> Unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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